B1 (Official Form 1) (04) Se 15-39285 Doc 1	Filed 11/18/15	Entered 11/	18/15 12:00:09	Desc Main
United States Bankru Northern District of		Page 1 of 9		ITARY PETITION
Northern District of Name of Debtor (if individual, enter Last, First, Middle):	THIMOIS	Name of Joint Dah	or (Spouse) (Last, First, M	
Garnica, Sergio All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	**************************************	All Other Names us	sed by the Joint Debtor in the laiden, and trade names):	,
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITI (if more than one, state all): 2161	N)/Complete EIN	(if more than one, s	tate all):	payer I.D. (ITIN)/Complete EIN
Street Address of Debtor (No. and Street, City, and State): 379, 381 Marion Ave		Street Address of Jo	oint Debtor (No. and Street	, City, and State):
Aurora, IL				
	ZIP CODE 60505			ZIP CODE
County of Residence or of the Principal Place of Business: Kane		County of Residenc	e or of the Principal Place	of Business:
Mailing Address of Debtor (if different from street address):		Mailing Address of	Joint Debtor (if different fi	rom street address):
	ZIP CODE			ZIP CODE
Location of Principal Assets of Business Debtor (if different	from street address above):			ZIP CODE
Type of Debtor	Nature of	Business		kruptcy Code Under Which
(Form of Organization) (Check one box.)	(Check one box.)		the Petition	is Filed (Check one box.)
☑ Individual (includes Joint Debtors)	Health Care Busi Single Asset Rea	iness I Estate as defined in	Chapter 7 Chapter 9	Chapter 15 Petition for Recognition of a Foreign
See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP)	11 U.S.C. § 101(Chapter 9 Chapter 11 Chapter 12 Chapter 13	Main Proceeding Chapter 15 Petition for
Partnership Other (If debtor is not one of the above entities, check	Stockbroker Commodity Brok		Chapter 13	Recognition of a Foreign
this box and state type of entity below.)	Clearing Bank	ter		Nonmain Proceeding
Chapter 15 Debtors	Other Tax-Exem	pt Entity	l Na	ature of Debts
Country of debtor's center of main interests:	(Check box, if	applicable.)		heck one box.)
Each country in which a foreign proceeding by, regarding, or against debtor is pending:	Debtor is a tax-ex under title 26 of the Code (the Internal		debts, defined in 11 § 101(8) as "incurre individual primarily personal, family, or household purpose."	U.S.C. primarily business debts.
Filing Fee (Check one box.)			Chapter 11 Del	
☐ Full Filing Fee attached.		Check one box: Debtor is a sm	all business debtor as defin	ned in 11 U.S.C. § 101(51D).
Filing Fee to be paid in installments (applicable to indiv signed application for the court's consideration certifyin unable to pay fee except in installments. Rule 1006(b).	g that the debtor is	Check if:		lefined in 11 U.S.C. § 101(51D). Ited debts (excluding debts owed to
Filing Fee waiver requested (applicable to chapter 7 ind attach signed application for the court's consideration.	ividuals only). Must	insiders or affil	liates) are less than \$2,490, levery three years thereaft	,925 (amount subject to adjustment
		☐ Acceptances of	filed with this petition. If the plan were solicited pro	epetition from one or more classes
Statistical/Administrative Information		of creditors, in	accordance with 11 U.S.C	. § 1126(b). THIS SPACE IS FOR
Debtor estimates that funds will be available for dis Debtor estimates that, after any exempt property is distribution to unsecured creditors.	stribution to unsecured cred excluded and administrativ	litors. re expenses paid, there	will be no funds available	COURT USE ONLY
Estimated Number of Creditors]	50,001- 100,000 1	NOV 1
Estimated Assets	to \$50 to]		NORTHERN DISTRICT OF ILLINOIS NOV 1 8 2015 FREY P. ALL STEALS CLERK TO THE CLERK T
Estimated Liabilities	0,001 \$10,000,001 \$5 to \$50 to		,001 \$500,000,001 N	More than SI billion

	1) @a/se 15-39285 Doc 1 Filed 11/18/15	Entered 11/18/15 12:00:09	Desc Main Page 2
Voluntary Petit (This page must	be completed and filed in every case.)	Name (ED) Norfs (9 Sergio Garnica	
Location	All Prior Bankruptcy Cases Filed Within Last 8		
Where Filed:		Case Number:	Date Filed:
Location Where Filed:		Case Number:	Date Filed:
Whose I ned.	Pending Bankruptcy Case Filed by any Spouse, Partner, or Af	Illiate of this Debtor (If more than one, attach a	dditional sheet.)
Name of Debtor:		Case Number:	Date Filed:
District:		Relationship:	Judge:
10Q) with the Se	Exhibit A ed if debtor is required to file periodic reports (e.g., forms 10K and ecurities and Exchange Commission pursuant to Section 13 or 15(d) Exchange Act of 1934 and is requesting relief under chapter 11.)	Exhibit (To be completed if debte whose debts are primarily I, the attorney for the petitioner named in the informed the petitioner that [he or she] may pof title 11, United States Code, and have exp such chapter. I further certify that I have delivered to the state of the sta	or is an individual consumer debts.) foregoing petition, declare that I have proceed under chapter 7, 11, 12, or 13 lained the relief available under each
Exhibit A	is attached and made a part of this petition.	by 11 U.S.C. § 342(b).	refer to the debtor the notice required
LI EXMORA	is attached and made a part of this petition.	X CALL C. Division	
		Signature of Attorney for Debtor(s) (Date)
	Exhibown or have possession of any property that poses or is alleged to pose. Exhibit C is attached and made a part of this petition.		blic health or safety?
If this is a joint po	completed and signed by the debtor, is attached and made a part of this etition: also completed and signed by the joint debtor, is attached and made a part of this etition.		
ď	Information Regarding (Check any app Debtor has been domiciled or has had a residence, principal place preceding the date of this petition or for a longer part of such 180 day	licable box.) of business, or principal assets in this District	for 180 days inmediately
	There is a bankruptcy case concerning debtor's affiliate, general parts	ner, or partnership pending in this District.	
	Debtor is a debtor in a foreign proceeding and has its principal place no principal place of business or assets in the United States but is a District, or the interests of the parties will be served in regard to the r	defendant in an action or proceeding fin a fed	ates in this District, or has eral or state court] in this
	Certification by a Debtor Who Resides (Check all applie		
	Landlord has a judgment against the debtor for possession of debto	or's residence. (If box checked, complete the fo	llowing.)
		(Name of landlord that obtained judgment)	
		(Address of landlord)	
	Debtor claims that under applicable nonbankruptcy law, there are centire monetary default that gave rise to the judgment for possession	circumstances under which the debtor would be on, after the judgment for possession was entered	permitted to cure the I, and
	Debtor has included with this petition the deposit with the court of of the petition.	any rent that would become due during the 30-c	lay period after the filing
	Debtor certifies that he/she has served the Landlord with this certif	ication. (11 U.S.C. § 362(l)).	

BI (Official Form 1) (생성화 15-39285 Doc 1 Filed 11/18/15	
Voluntary Petition (This page must be completed and filed in every case.) Document	Range Book 9 Sergio Garnica
	natures
Signature(s) of Debtor(s) (Individual/Joint)	
	Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.
Date //- / 7 - / 5	Date
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer
Signature of Attorney for Debtor(s) Printed Name of Attorney for Debtor(s) Firm Name Address	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.
Telephone Number	Printed Name and title, if any, of Bankruptcy Petition Preparer
Date	,
*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Signature of Debtor (Corporation/Partnership)	
I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Address X Signature
x	
Signature of Authorized Individual	Date
Printed Name of Authorized Individual	Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.
Title of Authorized Individual	
Date	Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual. If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.
	A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110: 18 U.S.C. § 156

B 1D (Official Form 1, Exhibit D) (12/09)

UNITED STATES BANKRUPTCY COURT

Northern District of Illinois

In re Sergio Garnica	Case No.
Debtor	(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- ☐ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- ☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.

Page 2

☑ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] This is an emergency petition and counseling will be take in on 10 days

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]	
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mer illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.); ☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); ☐ Active military duty in a military combat zone.	
☐ 5. The United States trustee or bankruptcy administrator has determined that the crecounseling requirement of 11 U.S.C. § 109(h) does not apply in this district.	edit

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor: $\frac{5096}{97}$ Date: $\frac{1-7-15}{97}$

Case 15-39285 Doc 1 Filed 11/18/15 Entered 11/18/15 12:00:09 Desc Main Document Page 6 of 9

Unsecured Credits

Sergio Garnica

Wells Fargo Home Mortgage PO Box 14411 Des Moines IA

Account # 0209664663

B 201B (Form 2016) 45-39285 Doc 1 Filed 11/18/15 Entered 11/18/15 12:00:09 Desc Main Document Page 7 of 9

UNITED STATES BANKRUPTCY COURT

Northern District of Illinois

In re <u>Sergio Garnica</u>	
	Case No.
Debtor	12
	Chapter
	ICE TO CONSUMER DEBTOR(S) THE BANKRUPTCY CODE
Certification of [Non-Attor I, the [non-attorney] bankruptcy petition preparer signin attached notice, as required by § 342(b) of the Bankruptcy Code.	ney] Bankruptcy Petition Preparer g the debtor's petition, hereby certify that I delivered to the debtor the
Printed name and title, if any, of Bankruptcy Petition Preparer Address:	Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer principal properties.)
X	number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Signature of Bankruptcy Petition Preparer or officer, or partner whose Social	partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)
Signature of Bankruptcy Petition Preparer or officer, or partner whose Social Security number is provided above. Certificat	partner of the bankruptcy petition preparer.) (Required
Signature of Bankruptcy Petition Preparer or officer, or partner whose Social Security number is provided above. Certificat I (We), the debtor(s), affirm that I (we) have received an	partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.) ion of the Debtor

Instructions: Attach a copy of Form B 201A, Notice to Consumer Debtor(s) Under § 342(b) of the Bankruptcy Code.

Use this form to certify that the debtor has received the notice required by 11 U.S.C. § 342(b) only if the certification has NOT been made on the Voluntary Petition, Official Form B1. Exhibit B on page 2 of Form B1 contains a certification by the debtor's attorney that the attorney has given the notice to the debtor. The Declarations made by debtors and bankruptcy petition preparers on page 3 of Form B1 also include this certification.

UNITED STATES BANKRUPTCY COURT

NOTICE TO CONSUMER DEBTOR(S) UNDER §342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days <a href="https://doi.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.2007/journal.org/10.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

<u>Chapter 7</u>: Liquidation (\$245 filing fee, \$75 administrative fee, \$15 trustee surcharge: Total fee \$335)
Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing

debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, the United States trustee (or bankruptcy administrator), the trustee, or creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.

The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny

Entered 11/18/15 12:00:09 Page 9 of 9 Desc Main Page 2

your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.

Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$75 administrative fee: Total fee \$310)

Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.

After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1,167 filing fee, \$550 administrative fee: Total fee \$1,717)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$75 administrative fee: Total fee \$275)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court. The documents and the deadlines for filing them are listed on Form B200, which is posted at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#procedure.